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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KATHERINE MOUSSOURIS, et  
11 al.,

12 Plaintiffs,

13 v.

14 MICROSOFT CORPORATION,

15 Defendant.

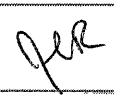
CASE NO. C15-1483JLR

ORDER

16 Before the court is the parties' joint motion to modify the case schedule. (Joint  
17 Mot. (Dkt. # 135).) In light of the parties' anticipated dispute over some unquantified  
18 portion of the more than 100,000 documents that Microsoft has designated as privileged,  
19 the court adopts parties' proposed schedule up to and including briefing on the pre-class  
20 certification privilege log challenges:

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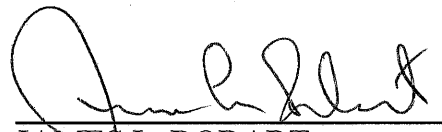
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Friday 12/16/16	Microsoft completes production of privilege logs. Close of class discovery except as to (1) the production of documents identified in section 4 below and (2) the process of privilege log production, log review, meeting and conferring regarding challenges to the log entries, and briefing regarding privilege challenges, and any new requests for discovery arising from this process or documents produced for the first time after December 16, 2016.
Friday 12/23/16	Microsoft completes production of privilege logs for ERIT complaints.
Thursday 01/12/17	Plaintiffs complete identification of pre-class certification issues regarding Microsoft's logs of documents responsive to Plaintiffs' Requests for Production Nos. 10, 20, 21, and 22.
<del>Thursday</del> Tuesday 01/31/17	Complete production of documents and data described in Section 4, below 
Tuesday 01/31/17	Parties complete meet and confer on pre-class certification issues regarding Microsoft's privilege logs of documents responsive to Plaintiffs' Requests for Production Nos. 10, 20, 21, and 22.
Friday 02/10/17	Plaintiffs' brief regarding pre-class certification privilege log challenges
Monday 02/27/17	Microsoft's opposition brief regarding Plaintiffs' pre-class certification privilege log challenges
Friday 03/03/17	Plaintiffs' reply brief regarding pre-class certification privilege log challenges

However, the court finds the second half of the proposed schedule, which begins with class certification briefing, be unworkable because it is too speculative, and the court therefore declines to set that schedule at this time. Accordingly, the court VACATES the class certification and expert witness briefing schedule currently in place (Dkt. # 133) and ORDERS the parties to propose, jointly or separately, a briefing schedule on class certification and expert witnesses no later than March 3, 2017.

1 In addition, the court intends to appoint a special master to oversee selected  
2 discovery issues in this matter. *See* Fed. R. Civ. P. 53. The attorney will bill monthly  
3 using his or her standard rate. Invoices will be paid 50%-50% by Plaintiffs and Microsoft  
4 within 30 days. Special master expenses may be submitted for consideration as a taxable  
5 cost at the conclusion of the case. The court ORDERS any party that opposes such  
6 appointment to file a brief not to exceed three pages no later than December 28, 2016.

7 Dated this 21<sup>st</sup> day of December, 2016.

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9 JAMES L. ROBART  
United States District Judge  
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